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APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
10/021,470	10/30/2001	Bruce A. Kalandek	1183	4868

23518 7590 02/20/2004

KEY SAFETY SYSTEMS, INC.  
PATENT DEPARTMENT  
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EXAMINER

SLITERIS, JOSELYNN Y

ART UNIT	PAPER NUMBER
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3616

DATE MAILED: 02/20/2004

Please find below and/or attached an Office communication concerning this application or proceeding.

## Office Action Summary

Application No.

10/021,470

Applicant(s)

KALANDEK ET AL.

Examiner

Joselynn Y. Sliteris

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-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address --

### Period for Reply

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE 3 MONTH(S) FROM THE MAILING DATE OF THIS COMMUNICATION.

- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
- If the period for reply specified above is less than thirty (30) days, a reply within the statutory minimum of thirty (30) days will be considered timely.
- If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133). Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

### Status

- 1) ☒ Responsive to communication(s) filed on 22 December 2003.
- 2a) ☐ This action is **FINAL**. 2b) ☒ This action is non-final.
- 3) ☐ Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

### Disposition of Claims

- 4) ☒ Claim(s) 1-12 is/are pending in the application.
- 4a) Of the above claim(s) 3-5 is/are withdrawn from consideration.
- 5) ☐ Claim(s) \_\_\_\_\_ is/are allowed.
- 6) ☒ Claim(s) 1, 2, 6-12 is/are rejected.
- 7) ☐ Claim(s) \_\_\_\_\_ is/are objected to.
- 8) ☐ Claim(s) \_\_\_\_\_ are subject to restriction and/or election requirement.

### Application Papers

- 9) ☐ The specification is objected to by the Examiner.
- 10) ☐ The drawing(s) filed on \_\_\_\_\_ is/are: a) ☐ accepted or b) ☐ objected to by the Examiner.  
Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).  
Replacement drawing sheet(s) including the correction is required if the drawing(s) is objected to. See 37 CFR 1.121(d).
- 11) ☐ The oath or declaration is objected to by the Examiner. Note the attached Office Action or form PTO-152.

### Priority under 35 U.S.C. § 119

- 12) ☐ Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).
- a) ☐ All b) ☐ Some \* c) ☐ None of:
- ☐ Certified copies of the priority documents have been received.
  - ☐ Certified copies of the priority documents have been received in Application No. \_\_\_\_\_.
  - ☐ Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).

\* See the attached detailed Office action for a list of the certified copies not received.

### Attachment(s)

- ☐ Notice of References Cited (PTO-892)
- ☐ Notice of Draftsperson's Patent Drawing Review (PTO-948)
- ☐ Information Disclosure Statement(s) (PTO-1449 or PTO/SB/08)  
Paper No(s)/Mail Date \_\_\_\_\_
- ☐ Interview Summary (PTO-413)  
Paper No(s)/Mail Date. \_\_\_\_\_
- ☐ Notice of Informal Patent Application (PTO-152)
- ☐ Other: \_\_\_\_\_

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## DETAILED ACTION

### ***Continued Examination Under 37 CFR 1.114***

1. A request for continued examination under 37 CFR 1.114, including the fee set forth in 37 CFR 1.17(e), was filed in this application after final rejection. Since this application is eligible for continued examination under 37 CFR 1.114, and the fee set forth in 37 CFR 1.17(e) has been timely paid, the finality of the previous Office action has been withdrawn pursuant to 37 CFR 1.114. Applicant's submission filed on 12/22/03 has been entered.

### ***Election/Restrictions***

2. Claims 3-5 remain withdrawn from further consideration pursuant to 37 CFR 1.142(b) as being drawn to a nonelected species, there being no allowable generic or linking claim. Election was made **without** traverse in Paper No. 4 and 6.

### ***Claim Rejections - 35 USC § 112***

3. The following is a quotation of the second paragraph of 35 U.S.C. 112:

The specification shall conclude with one or more claims particularly pointing out and distinctly claiming the subject matter which the applicant regards as his invention.

4. Claims 1, 2, and 6-12 are rejected under 35 U.S.C. 112, second paragraph, as being indefinite for failing to particularly point out and distinctly claim the subject matter which applicant regards as the invention.

✓ 5. Regarding claim 1, the recitation "the moving anchor" in line 8 lacks proper antecedent basis in the claim.

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6. Regarding claim 2, the recitation "the moving anchor" in line 9 lacks proper antecedent basis in the claim.

7. Regarding claim 6, the recitation "the moving anchor" in lines 8-9 lacks proper antecedent basis in the claim.

8. Regarding claim 11, the use of "its" in line 11 is improper.

***Claim Rejections - 35 USC § 102***

9. The following is a quotation of the appropriate paragraphs of 35 U.S.C. 102 that form the basis for the rejections under this section made in this Office action:

A person shall be entitled to a patent unless –

(b) the invention was patented or described in a printed publication in this or a foreign country or in public use or on sale in this country, more than one year prior to the date of application for patent in the United States.

(e) the invention was described in (1) an application for patent, published under section 122(b), by another filed in the United States before the invention by the applicant for patent or (2) a patent granted on an application for patent by another filed in the United States before the invention by the applicant for patent, except that an international application filed under the treaty defined in section 351(a) shall have the effects for purposes of this subsection of an application filed in the United States only if the international application designated the United States and was published under Article 21(2) of such treaty in the English language.

10. Claim 1 is rejected under 35 U.S.C. 102(b) as being anticipated by Brantman et al. (U.S. Patent 5,924,723).

11. Regarding claim 1, Brantman discloses a side impact air bag curtain apparatus as in the present invention comprising:

an inflatable air bag 48, the air bag including at least one movable air bag anchor 66 at an end of the air bag; and

a force-directing member or guide 68, 70, 92 fixedly mounted at a determinable

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orientation within the vehicle, wherein upon inflation of the air bag, the air bag moves to the deployed condition causing the movable anchor to slide down the force-directing member, the force-directing member including self locating means 92, active upon constriction in size of the airbag as the air bag inflates, for causing the movable anchor to self locate in or near a center of the force-directing member and for resisting any tendency of the curtain to move or be moved upwardly (Fig. 4).

12. Claim 1 is rejected under 35 U.S.C. 102(e) as being anticipated by Peer et al. (U.S. Patent 6,474,681).

13. Regarding claim 1, Peer discloses a side impact air bag curtain apparatus as in the present invention comprising:

an inflatable air bag 14, 14a, 14b, the air bag including at least one movable air bag anchor 100, 100a, 100b at an end of the air bag; and

a force-directing member or guide 70, 70a, 70b fixedly mounted at a determinable orientation within the vehicle, wherein upon inflation of the air bag, the air bag moves to the deployed condition causing the movable anchor to slide down the force-directing member, the force-directing member including self locating means, active upon constriction in size of the air bag as the air bag inflates, for causing the movable anchor to self locate in or near a center of the force-directing member and for resisting any tendency of the curtain to move or be moved upwardly (Figs. 13, 14).

14. Claim 1 is rejected under 35 U.S.C. 102(e) as being anticipated by Tesch et al. (U.S. Patent 6,454,296).

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15. Regarding claim 1, Tesch discloses a side impact air bag curtain apparatus as in the present invention comprising:

an inflatable air bag 40, the air bag including at least one movable air bag anchor 56 at an end of the air bag; and

a force-directing member or guide 54 fixedly mounted at a determinable orientation within the vehicle, wherein upon inflation of the air bag, the air bag moves to the deployed condition causing the movable anchor to slide down the force-directing member, the force-directing member including self locating means, active upon constriction in size of the air bag as the air bag inflates, for causing the movable anchor to self locate in or near a center of the force-directing member and for resisting any tendency of the curtain to move or be moved upwardly (Figs. 3, 4).

### ***Allowable Subject Matter***

16. Claims 2 and 6-12 would be allowable if rewritten or amended to overcome the rejection(s) under 35 U.S.C. 112, second paragraph, set forth in this Office action.

### ***Conclusion***


17. The prior art made of record and not relied upon is considered pertinent to applicant's disclosure.


18. Any inquiry concerning this communication or earlier communications from the examiner should be directed to Joselynn Y. Sliteris whose telephone number is 703-308-8225. The examiner can normally be reached on Mon-Wed 8:30 am - 4:00 pm.

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If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, Paul N. Dickson can be reached on 703-308-2089. The fax phone number for the organization where this application or proceeding is assigned is 703-872-9306.

Information regarding the status of an application may be obtained from the Patent Application Information Retrieval (PAIR) system. Status information for published applications may be obtained from either Private PAIR or Public PAIR. Status information for unpublished applications is available through Private PAIR only. For more information about the PAIR system, see <http://pair-direct.uspto.gov>. Should you have questions on access to the Private PAIR system, contact the Electronic Business Center (EBC) at 866-217-9197 (toll-free).

JYS   
2/18/04

 2/19/04  
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